

From: Steven R. Pounian <Spounian@kreindler.com>
Sent: Friday, September 24, 2021 2:19 PM EDT
To: Megan Benett <Mbenett@kreindler.com>
Subject: RE: IMPORTANT - 9/11 MDL - Declarations Due on Monday

Hi MB

Let me know if you need any help with this...I can go over things this afternoon or over weekend.

I just read over [Redacted] signed declaration. I would not have included some of the information (certain details about his work history and the date of his retainer for instance). I'm also concerned about sharing [Redacted] name with KSA since he is living abroad. Are we planning to file his declaration with the court only ex parte?

Thx s

From: Megan Benett <Mbenett@kreindler.com>
Sent: Friday, September 24, 2021 11:48 AM
To: John Hartney <JHartney@kreindler.com>; John Fawcett <Jfawcett@kreindler.com>; Debra Pagan <dpagan@kreindler.com>; Julia Sienski <jsienski@kreindler.com>; Lisa Ranieri <LRanieri@kreindler.com>
Cc: Jim Kreindler <JKreindler@kreindler.com>; Steven R. Pounian <Spounian@kreindler.com>; Andrew J. Maloney <AMaloney@kreindler.com>
Subject: IMPORTANT - 9/11 MDL - Declarations Due on Monday

All –

Late yesterday, Judge Netburn issued an order requiring that our declarations in connection with the Yahoo! News story about Jarrah be filed on Monday.

I believe that the only people in the office who received or reviewed the transcript are on this email. I am preparing all declarations and will circulate asap – we will need original signatures on each declaration.

Lisa – can you help with compiling the documents and getting them filed on Monday?

John Hartney – we should talk after I send you your draft declaration.

I'm attaching the order that describes what must be included in the declarations – for KK attorneys the relevant section of the order is at p. 1, paras 1-4; for Hartney it is page two para 2; and for everyone else it is page two para 1 (all within Section A). I've included the language below, as well.

If anyone here knows of anyone else at KK (including any of our experts, consultants, etc.) who accessed or received a copy of the Jarrah transcript (rough or final) please let me know.

Call me on [Redacted] today with any questions. I'm working from home today and probably on Monday, as well.

Thanks
Megan

A. Kreindler & Kreindler

The four attorneys from Kreindler & Kreindler identified in the Court's Order at ECF No. 7011 are directed to file supplemental declarations that:

1. identify all communications with Michael Isikoff or anyone acting on his behalf, whether oral or written, from June 1, 2021, to August 1, 2021. Any written communication must be provided to the Court;
2. declare whether they have ever discussed the contents of the Musaed Al Jarrah deposition with Michael Isikoff or anyone acting on his behalf. Any communication must be described in detail, including whether portions of the transcript were read or testimony was described;
3. state every person with whom they shared the Al Jarrah deposition transcript who has not already supplied the Court with a declaration in this investigation; and
4. state every person that they know had access to the deposition transcripts who has not already supplied a declaration in this investigation.

At least one of these declarations must describe, in detail, the firm's internal investigation that was undertaken in response to the breach of the Protective Orders.

In addition, the Court orders that the following additional declarations be provided:

1. a declaration from any party identified in the supplemental declarations described above employed by or acting at the direction of Kreindler & Kreindler. This shall include the paralegal identified in Paragraph Four of the Megan Wolfe Benett Declaration, ECF No. 7016 at 3. These declarations shall (i) address whether the declarant shared with anyone any portion of the Al Jarrah deposition transcript (either by providing copies of any portion of the transcript, reading any portion of the transcript, or describing it); and (ii) identify and describe all communications with Michael Isikoff or anyone acting on his behalf, whether oral or written, from June 1, 2021, to August 1, 2021. Any written communication must be provided to the Court; and
2. a declaration from the head of the law firm's information technology group or other comparable figure describing the investigation that was undertaken in response to the breach of the Protective Order. That declaration should demonstrate that a forensic analysis was done to identify who accessed the deposition transcripts, determine the dates of any access, and assess whether anyone from the firm emailed either of the two known Isikoff email addresses (*i.e.*, misikoff@yahoo-inc.com or misikoff@oath.com) or any other email addresses known to be associated with Isikoff. If the investigation revealed such emails sent or received between June 1, 2021, and August 1, 2021, those must be provided.

Megan Benett
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